

REMARKS/ARGUMENTS:

This Amendment is in response to the Office Action mailed 12/15/2004. By said Action, Claims 1-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Downey ('832).

By this Amendment, Claim 1 has been amended; and, Claim 9 has been canceled. Claims 1-8 and 10-15 remain as before.

Reconsideration and allowance of independent Claim 1 is respectfully requested. Claim 1 has been amended to include the limitations of Claim 9 stating that the ablation device engaging element is arcuate to provide a complementary fit with a circular outer surface of the ablation device, wherein the engaging element is capable of being rotated about the ablation device to provide a circular path having a desired radius for placement of a subsequent ablation device. The prior art neither discloses nor suggests such a feature. Applicant asserts that Claim 1, as presently written, is neither anticipated by nor rendered obvious by Downey et al. In summary, the Downey reference (as well as the Whitmore reference discussed in the Background of the Invention for the present application) discloses use of an entry position grid that defines fixed patterns for probe placement and therefore restricts the user to a limited number of insertion distances. As mentioned in the Summary of the Invention, fixed grids provide preset orientation and distance parameters between ablation devices. The present invention, on the other hand, is not orientation dependent while still providing optimal distance parameters. Use of the present invention with its ablation device engaging element minimizes handling requirements during the placement of additional ablation devices. Claim 1 is therefore deemed to be in allowable condition. The undersigned acknowledges with appreciation the courteous and helpful telephonic interview extended by the Examiner in which the advantages of the present invention were discussed. The undersigned indicated an intent to amend Claim 1 to include the limitations of Claim 1. The Examiner indicated that the claim would be viewed in a more favorable light if such an amendment were proffered.

Reconsideration and allowance of dependent claims 2-8 and 10-11 is respectfully requested. These claims depend from Claim 1 and include the limitations of amended independent Claim 1. They are therefore also deemed to be in condition for allowance.

Reconsideration and allowance of independent Claim 12 is respectfully requested. This claim has been previously amended to include the limitation discussed above relative to Claims 1 and 9. It is therefore also deemed to be in allowable condition. Dependent Claims 13-15 include the limitations of Claim 12 and are therefore also deemed to be in allowable condition.

In view of the foregoing Amendment and remarks, it is respectfully urged that all pending claims are in condition for allowance, and such action as well as passage of this case to issue is respectfully requested.

If the Examiner has any further questions, or believes that a telephone interview would be helpful to the advancement of the prosecution of the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



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3/14/05

DATE

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